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EXHIBIT(S) - 20 - Nov. 30, 2022 Letter to TabakDocument prepared for:
kevin barlow**CASE NAME**Rosemarie Mckinnis Est Of, Kathleen Mckinniss, Carin
Rosado, James Finn Est Of, Geraldine Finn Exr v. Ecohealth
Alliance Inc, Peter Daszak, Janet D Cottingham Aka, Janet
Dasz...**DOCUMENT FILED DATE**

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Oct. 5th, 2022

COUNTY

Rockland county, NY

JUDGE

Sherri L Eisenpress

CATEGORY

Torts - Environmental (SARS-COV-2)

STATUS

Active

EXHIBIT 20

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FRANK PALLONE, JR., NEW JERSEY

CATHY McMORRIS RODGERS, WASHINGTON

CHAIRMAN

RANKING MEMBER

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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November 30, 2022

Lawrence A. Tabak, D.D.S, Ph.D.
Senior Official Performing the Duties of the Director
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20892

Dr. Tabak:

We write to urge the National Institutes of Health (NIH) to respond to our longstanding requests to provide us information related to the origins of the COVID-19 pandemic, including matters related to National Institute of Allergy and Infectious Diseases' (NIAID) grant to EcoHealth Alliance and subgrant to the Wuhan Institute of Virology (WIV), and other subjects. Some of these requests have been outstanding for more than a year. NIH's persistent lack of transparency with members of its authorizing committee of jurisdiction is troubling. According to its mission statement, a goal of the National Institutes of Health (NIH) is "to exemplify [...] the highest level of scientific integrity and public accountability."¹ However, given the overall lack of adequate responsiveness to our oversight letters, the NIH is falling short of the goal set forth in its mission statement.

Between March 18, 2021 through October 31, 2022, we sent a total of twelve letters requesting information from NIH that have gone largely unanswered related to the origins of COVID-19 and NIH's grant to EcoHealth Alliance, and three other topics.² As a convenient reminder, we courteously summarize each of those letters below:

¹ National Institutes of Health, Mission and Goals, What We Do (accessed July 14, 2021) available at <https://www.nih.gov/about-nih/what-we-do/mission-goals>.

² Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (March 18, 2021); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith et al to Francis Collins, M.D., Ph.D., Director, NIH (June 10, 2021); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (July 21, 2021); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (August 24, 2021); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy

Letter to Dr. Tabak

Page 2 of 6

March 18, 2021, Letter to Dr. Francis Collins:

On March 18, 2021, we sent an eleven-page letter, based on what was known at that time, requesting information related to where SARS CoV-2 originated and how NIH grant dollars at the WIV were used.³ We asked NIH to provide responses by April 19, 2021.⁴ Notably, on April 28, 2021, at a hearing before this Committee's Subcommittee on Health, Dr. Francis Collins testified NIH was working diligently to reply to the letter: "And we are working on answers to your letter with 29 questions and 40 footnotes and 11 pages. It is taking us *a little longer than a few days* (emphasis added)."⁵ While documents released in response to Freedom of Information Act requests suggest that NIH had prepared a draft written response, NIH never sent us a written response to our questions.

We acknowledge that you provided a briefing to bipartisan committee staff on June 28, 2021, for one hour in response to some of the questions. However, only the first 20 questions were covered. The other questions remain unanswered. As of today's date, November 30, 2022, *622 days later*, NIH has not provided a written response to the questions in the March 18, 2021, letter.

June 10, 2021, Letter to Dr. Francis Collins:

On June 10, 2021, we wrote to strongly express support for a "comprehensive investigation into the origins of the COVID-19 pandemic, including the possibility of an accidental laboratory leak."⁶ We identified several concerns related to the financial management and oversight of the NIH grant to EcoHealth Alliance and its subaward recipient, the WIV.⁷ We

McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (October 27, 2021); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (February 14, 2022); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., Ph.D., Acting Director, NIH (February 24, 2022); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., Ph.D., Acting Director, NIH (April 25, 2022); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., Ph.D., Acting Director, NIH (July 21, 2022); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Morgan Griffith to Lawrence A. Tabak, D.D.S., Ph.D., Acting Director, NIH (August 11, 2022); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., Ph.D., Acting Director, NIH (October 24, 2022); Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., Ph.D., Acting Director, NIH (October 31, 2022).

³ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (March 18, 2021).

⁴ *Id.*

⁵ *Hearing on the 'the Long Haul: Forging a Path Through the Lingering Effects of Covid-19'*, before the Subcomm. On Health, H. Energy & Commerce Comm. (Apr. 28, 2021), <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-the-long-haul-forging-a-path-through-the-lingering-effects-of>

⁶ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith et al to Francis Collins, M.D., Ph.D., Director, NIH (June 10, 2021).

⁷ *Id.*

Letter to Dr. Tabak

Page 3 of 6

asked for written responses to our questions be submitted by June 24, 2021. To date, NIH has not provided a written response.

July 21, 2021, Letter to Dr. Francis Collins:

On July 21, 2021, we sent another letter reiterating our request for information to our March 2021 letter, which NIH failed to provide substantive written responses to.⁸ In addition, the letter requested information, by July 28, 2021, about NIH-supported gain-of-function research involving “humanized mice” as well as briefings from NIAID officials related to a grant award to EcoHealth Alliance, and an NIAID’s official visit to WIV.⁹ NIH has not provided a written response to the specific questions outlined in the July 2021 letter, although some information has emerged from subsequent NIH correspondence with EcoHealth Alliance.

August 24, 2021, Letter to Dr. Francis Collins:

We submitted an August 2021 letter again requesting information about NIAID’s coronavirus grant to EcoHealth Alliance.¹⁰ Specifically, the letter raised concerns about EcoHealth Alliance’s oversight of its subgrantee WIV’s experiments to ensure compliance with biosafety requirements.¹¹ The letter further repeated its request that NIAID officials be made available for staff-level briefings and that NIH provide a response by September 7, 2021. To date, NIH has not provided a written response.¹²

October 27, 2021, Letter to Dr. Francis Collins:

Based on documents the Department of Health and Human Services arranged for the Committee to review *in camera*, we highlighted in an October 27, 2021, letter our concerns about NIH’s oversight of EcoHealth Alliance’s research proposal that purported it was not conducting gain-of-function research.¹³ In addition, the letter raised concerns EcoHealth Alliance failed to comply with NIH’s grant terms yet continued to receive millions of dollars in grant funds.¹⁴ NIH was asked to reply to our questions by November 10, 2021, but to date, NIH has not submitted a written response to this letter.¹⁵

February 14, 2022, Letter to Dr. Francis Collins:

On February 14, 2022, we sent a letter about concerns that Dr. Collins, while Director of NIH, may have taken steps to actively suppress scientific discussion that COVID-19 could have

⁸ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (July 21, 2021).

⁹ *Id.*

¹⁰ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (Aug. 24, 2021).

¹¹ *Id.*

¹² *Id.*

¹³ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (Oct. 27, 2021)

¹⁴ *Id.*

¹⁵ *Id.*

Letter to Dr. Tabak

Page 4 of 6

originated from a research-related incident, not just from natural transmission.¹⁶ We asked Dr. Collins for written responses to a series of questions by February 28, 2022, which to date, he has avoided answering.¹⁷ A similar letter was also sent to Dr. Anthony Fauci, the Director of the NIAID. To date, neither NIH nor NIAID have submitted written responses to these letters.

February 24, 2022, Letter to Dr. Lawrence A. Tabak:

On February 24, 2022, we raised concerns with you that NIH failed to effectively enforce its policies and regulations over EcoHealth Alliance.¹⁸ Specifically, EcoHealth withheld attribution of data to another federal grant from NIH, raising the possibility it was double-billing two federal agencies for the same research. Additionally, EcoHealth Alliance's inability to provide laboratory notebooks and electronic files called into question the safety of the research conducted on humanized mice.¹⁹ Additionally, the letter expressed that, in contravention of federal regulations regarding financial disclosures, EcoHealth Alliance may have hidden from NIH the identities of its private donors. Several questions were requested to be answered by March 24, 2022. To date, NIH has not sent a written response.

April 25, 2022, Letter to Dr. Lawrence A. Tabak:

On April 25, 2022, we wrote to you raising concerns that EcoHealth Alliance was potentially omitting key information in research allegedly conducted at WIV in order to obtain a renewal of federal grant funding.²⁰ Specifically, information related to mice deaths (the higher death rates with mice infected by chimeric viruses, a supposedly unexpected result) may have been withheld from peer reviewers during the grant renewal's application.²¹ These nondisclosures may have prevented peer reviewers from examining the complete research findings, thereby preventing them from questioning the riskiness of the experiments conducted with federal grant funds.²² While NIH has provided some information in a bipartisan briefing, many questions remain unanswered. NIH has not provided a written response to this letter.

July 21, 2022, Letter to Dr. Lawrence A. Tabak:

Although required by the NIH Reform Act of 2006, NIH has failed to convene the Scientific Management Review Board (SMRB) since 2015.²³ We wrote asking why this Board, intended to make NIH more efficient and effective, inexplicably stopped convening seven years ago.²⁴ In addition, we questioned whether funding intended for the SMRB, \$488,901 per year,

¹⁶ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (Feb. 14, 2022).

¹⁷ *Id.*

¹⁸ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., Ph.D., Acting Director, NIH (Feb. 24, 2022).

¹⁹ *Id.*

²⁰ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., Ph.D., Acting Director, NIH (Apr. 25, 2022).

²¹ *Id.*

²² *Id.*

²³ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., Ph.D., Acting Director, NIH (July 21, 2022).

²⁴ *Id.*

Letter to Dr. Tabak

Page 5 of 6

was being diverted elsewhere for the past seven years, thereby totaling \$2.9 million.²⁵ To date, NIH has not provided a written response.

August 11, 2022, Letter to Dr. Lawrence A. Tabak:

As highlighted in our August 11, 2022, letter, we received inadequate responses in 2021 as to why NIH failed to remove an alleged sexual perpetrator disciplined in three states from co-chairing an NIH steering committee, even after receiving complaints from female scientists alleging the misconduct.²⁶ We reported that the high volume of harassment complaints lodged against NIH grantees and NIH-supported researchers and raised questions about the NIH's handling of such complaints.²⁷ We requested you provide written responses to our requests by September 12, 2022. To date, NIH has not provided a written response.

October 24, 2022, Letter to Dr. Lawrence A. Tabak:

Last month we sent you a letter raising concerns about how NIH could contemplate funding a new EcoHealth Alliance grant considering this organization's past noncompliance with regulatory requirements and grant terms.²⁸ As we noted, EcoHealth Alliance's history of failing to substantiate scientific experiments with material records and its slipshod oversight of its sub awardee, the WIV, should have caused NIH to conclude that EcoHealth Alliance could not be a responsible steward of federal grant funding.²⁹ We submitted several questions for you to answer by November 7, 2022, regarding the NIH's decision to renew its funding of EcoHealth Alliance.³⁰ To date, we have not received a written response from NIH to this letter.

October 31, 2022, Letter to Dr. Lawrence A. Tabak:

Last month we sent you a letter requesting information related to a NIAID intramural experiment that would enhance the more dangerous version of the monkeypox virus by making the disease about 1000 percent more lethal in mice.³¹ The more lethal monkeypox virus has about a 10 percent mortality rate in unvaccinated people whereas the less lethal monkeypox virus has a mortality rate of less than one percent.³² We requested a written response by November 14, 2022. To date, we have not received a response.

We urge you to provide written responses to our longstanding requests from these letters immediately, but no later than December 16, 2022.

²⁵ *Id.*

²⁶ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Morgan Griffith to Lawrence A. Tabak, D.D.S., PhD., Acting Director, NIH (Aug. 11, 2022).

²⁷ *Id.*

²⁸ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., PhD., Acting Director, NIH (Octo. 24, 2022).

²⁹ *Id.*

³⁰ *Id.*

³¹ Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., PhD., Acting Director, NIH (Oct. 31, 2022).

³² Christina L. Hutson, et al., *Dosage Comparison of Congo Basin and West African Strains of Monkeypox Virus using a Prairie Dog Animal Model of Systemic Orthopoxvirus Disease*, 402 VIROLOGY 72-82 (2010), available at <https://www.sciencedirect.com/science/article/pii/S0042682210001650?via%3Dihub>

Letter to Dr. Tabak

Page 6 of 6

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials in your agency's possession relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

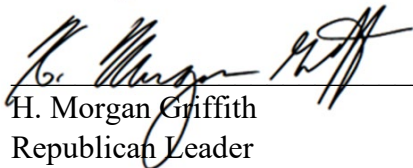
Sincerely,



Cathy McMorris Rodgers
Republican Leader
Committee on Energy and Commerce



Brett Guthrie
Republican Leader
Subcommittee on Health



H. Morgan Griffith
Republican Leader
Subcommittee on Oversight and
Investigations

CC: The Honorable Frank Pallone, Chairman
The Honorable Diana DeGette, Chair, Subcommittee on Oversight and Investigations
The Honorable Anna G. Eshoo, Chair, Subcommittee on Health
Dr. Anthony Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases